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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,079	09/26/2003	Linda Pulik	ID-08	7485

7590 12/19/2005

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Chicago, IL 60606

EXAMINER
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HECKENBERG JR, DONALD H

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/673,079

Applicant(s)

PULIK, LINDA

Examiner

Donald Heckenberg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-5 and 8-22 is/are allowed.
- 6) ☒ Claim(s) 2,6 and 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

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1. Claim 3 recites "an upper end of the stem body" in line 3. Previous to this reference, the upper end of the stem body had not been defined. It is therefore suggested the claim be amended to recite "an upper end of the stem body."

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2, 6, and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claim 2 recites that the dough dropper includes a biasing spring "for urging the plunger body into an extended position relative to the plunger body." The disclosed plunger body is not capable of moving relative to itself as it does not have any components to move relative to one another, thus the claim is indefinite. It appears it was intended to recite that the plunger body was to be extended relative to another structure, i.e., the cavity, the stem body, etc. Appropriate clarification and correction are required.

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Claim 6, lines 5-7 recite "an elongated plunger body having a proximal end and a distal end, the lower end being reciprocally and longitudinally movable through the upper end relative to the stem body." This language appears to recite four different ends: proximal and distal, and then upper and lower. It appears from the disclosure of the application, however, that there are only two ends, and that these terms are referring to the same ends. As such, the claim is indefinite, as terminology is indeterminate as to which end is which. Appropriate clarification and correction is required.

4. Claims 1, 3-5, and 8-22 are allowed.

5. Claims 4, 6, and 7 would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, 2nd paragraph, set forth in this Office Action.

6. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record fails to disclose a dough dropper or a process for transferring with a dough dropper as recited in the claims of the instant application. The closest prior art is disclosed by Martineau (U.S. Pat. No. 1,826,009) and LaFreda

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(U.S. Pat. No. 4,071,308). Both of these references disclose ice cream dispenser devices provided with spiral shafts.

Neither of these references teaches alone in combination a base block or finger as defined in the claims of the instant application. Moreover, there appears to be no reason to modify the disclosed devices to comprise such a structure.

7. The following cited references are deemed pertinent to the instant application:

Benjamin (U.S. Pat. No. 925,275) discloses an ice cream dipper.

Ripley (U.S. Pat. No. 1,482,094) discloses an ice cream dipper.

Persson (U.S. Pat. No. 1,699,914) discloses an apparatus for the production of meat balls and the like.

Sherbondy (U.S. Pat. No. 2,634,692) discloses a kitchen utensil.

Adams (U.S. Pat. No. 2,916,320) discloses a cookie dropper.

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Byrd et al. (U.S. Pat. No. 4,191,517) discloses a method and apparatus for imparting a shape to dough-like materials.

Smith (U.S. Pat. No. 5,149,161) discloses a cookie dropper.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald Heckenberg whose telephone number is (571) 272-1131. The examiner can normally be reached on Monday through Friday from 9:30 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith, can be reached at (571) 272-1166. The official fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <<<http://pair-direct.uspto.gov>>>. Should you have questions

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on access to the Private PAIR system, contact the Electronic  
Business Center (EBC) at (866) 217-9197 (toll-free).

 12-12-5  
Donald Heckenberg  
Primary Examiner  
A.U. 1722